IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

LETTERS PATENT APPEAL NO. 253 OF 2006

The General Industries Corporation ..Appellant/ ..Claimant
versus
The Special Land Acquisition Officer ..Respondent

WITH
LETTERS PATENT APPEAL NO. 254 OF 2006

Bhupendra Thakarsi Parekh ..Appellant Claimant
versus
The Special Land Acquisition Officer ..Respondents

Mr. D. Salvi for the Appellants / Claimants.

Mr. K. K. Tated, AGP for the Respondents - State.

CORAM : D. G. DESHPANDE, &
Smt. R. S. DALVI, JJ.

DATE : 14TH DECEMBER, 2006

ORAL ORDER :

1. Heard counsel for the Appellants / Claimants and the learned AGP for the Respondents - State.

2. Both the Letters Patent Appeals are admitted.

3. Looking to the issue involved, by consent, taken up for final hearing forthwith.

4. These matters are arising out of land acquisition proceedings in respect of the land at village Roadpali (Ambetarkhar), Taluka Panvel, District Raigad. It is an admitted fact that so far as lands at Roadpali are concerned, this court has awarded compensation at Rs.25/- per sq. meter. The land acquired is abutting Bombay Pune National Highway and therefore admittedly the Appellants are entitled to Rs.25/- per sq. meter.

5. The learned AGP however states that the State is entitled to the development charges at 20% of the compensation awarded. As against this counsel for the Appellants pointed out from the judgment that this land was developed and appellants / claimants had obtained necessary N.A. permission and plots had already been let out. He, therefore, contended that 20% development charges would not be proper, in the circumstances.

6. The learned AGP, raised one contention that

the above LPAs. came to be filed one year and four months after the said orders i.e. on 30.11.2001. It was accompanied by application for condonation of delay and that took more i.e. about five years period, therefore the State should not be burdened with interest on the amount of compensation from 2000 to 2006 i.e. till the passing of this order.

7. We find considerable force in the submissions of learned AGP. The Single Judge passed orders on 11.7.2000. It was open for the appellants / claimants to file LPAs within time. It is true that the Applications for Condonation of Delay are allowed by the court now, but that in our opinion will not entitle the Appellants / Claimants to claim interest on the amount of compensation, that is to be awarded by allowing these LPAs. When, we questioned, counsel for the Appellants / Claimants, he agreed that the court may pass appropriate orders in respect of interest and for which the Appellants / Claimants will have no grievance.

8. Both the Letters Patent Appeals are allowed. Impugned Orders of the Single Judge are set aside. Claimants / Appellants are entitled to compensation

of the acquired land at Rs.25/- per sq. meter. The State to deposit / pay the amount to the Appellants / Claimants within two months from today. The State will be entitled to deduct development charges at 10% of the amount of compensation. The claimants will not be entitled to interest from the date of the Single Judge’s order till the time granted by this order. However, they will be entitled to interest if there is delay in payment of compensation to them. Letters Patent Appeals are disposed of alongwith pending civil applications.

(D.G. DESHPANDE, J.)

(Smt. R.S. DALVI, J.)